

CITY OF HORSESHOE BAY

CITY COUNCIL PUBLIC MEETING

March 11, 2008

The Council of the City of Horseshoe Bay held a Public Meeting at City Hall, located at #1 Community Drive, Horseshoe Bay, Llano County, Texas, March 11, 2008, in accordance with duly posted notice of said meeting. Mayor Bob Lambert called the meeting to order at 3:00 p.m. with a quorum of Council Members present as follows:

Robert W. Lambert, Mayor
James E. Babcock, Mayor Pro Tem
John Bird, Alderman
Claudia Haydon, Alderwoman
Jeff Robinson, Alderman

The posted agenda for this meeting is made a part of these minutes by attachment and the minutes are herewith recorded in the order the agenda items were considered with the agenda subject and item number shown preceding the applicable paragraph.

1. Call to Order and Establish a Quorum: Mayor Bob Lambert called the Public Meeting to order at 3:00 p.m. with a quorum present. Larry Sherwood, from the Church at Horseshoe Bay led the invocation. Mayor Lambert led the pledge of allegiance to the United States Flag and the Texas Flag. He then welcomed everyone to the meeting and asked that anyone who wanted to make comments please sign the sheet on the podium.
2. Comments from Mayor: Mayor Lambert had no comments.
3. Comments from Aldermen: There were no Alderman comments.
4. Public Comments: There were no public comments.
5. Items to be Removed from the Consent Agenda: Mayor Lambert asked the Council if there were any items they would like to remove from the consent agenda. Mayor Lambert stated he would like the Council to consider Item 6.f. separately.
- f. Request by Ms. Ricky Maveety of 111 Christine Circle for an Exemption from Article XV (a) (2) of the Animal Control Ordinance #ORD 07-10-16A, limiting the number of animals to 4 total, to allow the keeping of 20 cats and 2 dogs

Mayor Lambert stated that the City Council considered the Animal Control Ordinance for several months; it is over 25 pages long and has many sections that were originally controversial. He feels the ordinance has worked very well. He then read the paragraph that is the subject of this agenda item. Mayor Lambert said he thinks the exemption language is reasonably well written; however the concern that has come up is that it does not give the staff any direction regarding documentation or possible verification

procedures or assurance that there is going to be compliance. Also, there is no end date to apply. There is one request for an exemption that is on the agenda for today and he is uncertain about how the City staff would monitor compliance. He thinks the Council should not try and resolve this today and would prefer to discuss some ideas and consider adopting the exemption request with some compliance procedures at the next meeting. Alderman Robinson said he has two issues. The first regarding the request as it came in mentioned 20 cats and 2 dogs. He thought the original number at the time the ordinance was passed was 18 or 19 cats and 2 dogs. He asked that number be verified and it would be the starting point of any discussion regarding this request. City Attorney Akers confirmed the exemption would be for the number of animals at the time the ordinance was passed in September 2007. Alderman Robinson added that he feels the Council should establish procedures to verify and enforce the ordinance. He suggested an initial visit and identification of the cats and dogs residing at the requesting residence by the HSB Animal Control Officer, a picture with a name on the back or a description that would allow the City to keep up with these animals. Also, that notification by the owner of the demise of any of the grandfathered pets, as well as a periodic visit by the HSB Animal Control Officer to insure that only grandfathered pets are still in residence. A report related to the health, safety and welfare of the pets on a periodic basis and a requirement that these pets not be allowed to roam on the property of others. Mr. Babcock stated he felt Council always anticipated there would be some detail behind this provision. In the first place, this was never intended to be a Council issue and was supposed to be handled by staff, but they had left staff without enough specificity in terms of what they should be doing to insure that the purpose is being carried out and he feels the sooner they can get a procedure in place the better. Attorney Akers stated from a legal standpoint, once you have the legal requirement in place, the City has the authority to go and verify they are in compliance. Alderman Babcock stated he would also like the periodic checks in order to make sure progress is being made. Alderwoman Haydon asked if there was language in the Ordinance that has a termination date of when the City might allow an exemption to be filed or is it forever. Attorney Akers said it applied to animals that are in place on the date the ordinance was passed. In addition Mayor Lambert said a person could apply for an exception at anytime after the ordinance was passed, but only for animals they had when the ordinance was passed. Alderwoman Haydon stated she would like to amend this in order to have an end date as to when people can apply for the exemption. It was agreed to add this to the amendment. Attorney Akers stated he would draft an amendment to the Animal Control Ordinance for review and possible consideration at the next Council meeting. Alderman Babcock stated this ordinance does not prohibit a POA from enforcing their own restrictions if they are more restrictive. He added this is the case in all circumstances.

6. Consent Agenda:

- a. Minutes of the February 19, 2008 Public Meeting
- b. Final Plats:
 - i. Replat of Lot No. 17A, Trails End, Section One-A, Llano County, Texas (105 Christine Circle)
 - ii. Replat of Lot Nos. K6097 and K6098, Horseshoe Bay South, Burnet County, Texas, With Variances for Front Yard and Rear Yard Setbacks (105 Eighth Street)

- iii. Replat of Lot Nos. K7086 and K7087, Horseshoe Bay South, Burnet County, Texas (2201 Thirty Fourth Street)
- iv. Replat of Lot Nos. K7089 and K7090, Horseshoe Bay South, Burnet County, Texas (1905 Crooked Run)
- v. Replat of Lot Nos. K7382 thru K7385, Horseshoe Bay South, Burnet County, Texas (208 Forty Sixth Street)
- vi. Replat of Lot No. W10001, Horseshoe Bay West, Plat No. W10.1 to be known as Horseshoe Bay West Plat No. 10.8, Llano County, Texas (1403 Broken Hills)
- vii. Replat of Lot Nos. 59 and 60, Skywater Over Horseshoe Bay, Plat No. 1.1 to be known as Skywater Over Horseshoe Bay, Plat No. 1.2, Llano County, Texas (Paintbrush)
- viii. Plat for Horseshoe Bay Center Tract in the City's Extra-Territorial Jurisdiction (ETJ) (Space Center Property on RM 2147)
- c. Annual Racial Profiling Statistics Report for 2007
- d. Llano County MUD Maintenance Contract
- e. Resolution Recognizing Michael F. Thuss, General Manager

Mr. Bird had a revision to the minutes which he gave to the City Secretary, Teresa Moore. Alderman Robinson made a motion to approve the remaining items on the Consent Agenda with the revision to the minutes. The motion was seconded by Alderman Babcock. The motion passed unanimously (4-0).

7. Monthly Reports: Mayor Lambert said the various reports from the Department heads are in the packet and asked if anyone had comments or questions. Alderman Robinson asked if the franchise agreement with PEC was a pass-through. City Attorney Akers said it was not a pass-through and the PEC also agreed not to decide to make it a pass-through without first giving the City of Horseshoe Bay notice so the City can decide if they want to continue the agreement. Alderman Robinson also thanked Director of Public Works, Jerry Lovelady for simplifying the Capital Improvement Report. He also stated he was going to ask Chief Fiero about the fire truck parked at the back of the West Fire Station. Mayor Lambert said this was the truck the City has for sale. Alderman Robinson added there was a fire yesterday in Deerhaven at a large structure being built. He said there was a fire there last year and both were at the left end of the house, and since there is a burn ban currently in effect, he is going to ask Chief Fiero to find out the cause of the fire due to the fact that on the HSB side of the fence it is all open grass and if the fire jumps the fence it would be a major event.
8. A Resolution Setting a Date for a Public Hearing Regarding the Levy of Assessments within the Escondido Public Improvement District; Authorizing the Publication of Notice; and Enacting other Provisions relating thereto: Mayor Lambert said this item is to call a Public Hearing regarding levy of assessments in the Escondido PID and other matters regarding the PID. This was actually dealt with at the January and February meetings, but the Council then learned that notice was not correctly given to the lot owners due to incomplete instructions from the Escondido's attorneys. This is going to require the City Council to call the public hearing again, republish in the newspaper and send notice tomorrow to all property owners. Mayor Lambert said Escondido has paid all the costs related to this endeavor. Alderman Babcock made the motion to set the date of the Public Hearing for March 26, 2008 at 1:00

p.m. The motion was seconded by Alderwoman Claudia Haydon. The motion passed unanimously (4-0).

9. Conduct a Public Hearing and Consideration Regarding Ordinance to Extend the Moratoriums on New Construction in Zone 13, CapRock Zone, and Zone 14, Tract BBB-2A, Hi Circle North and HSB Blvd: Mayor Lambert convened the public hearing at 3:20 p.m. and asked if there were any comments. There were none, and he adjourned the public hearing. Mayor Lambert explained this is a continuance of moratoriums that have been in place for some time. The City has received letters from both developers requesting this extension and added the Council would like to have formal development plans prior to zoning of this property. Alderman Robinson suggested if the owners and developer of Tract BBB-2A plan to come to the Council to ask for commercial zoning of this property, that they do a lot of work ahead of time with the people in residence there or this will be very difficult for all concerned. Putting something commercial there in an area some consider residential could be contentious. He feels the more work done in advance the better. Alderman Robinson made the motion to approve the ordinance extending the moratorium for one year. The motion was seconded by Alderwoman Haydon. The motion passed unanimously (4-0).
10. Original Zoning of Tract BBB-2A to R-6 Multi-Family Residential (Hi Circle North and HSB Blvd.): Mayor Lambert stated this item is not relevant due to the approval just given on item #9.
11. Annexation Proceedings to Enlarge and Extend the Boundary Limits of the City to Include the 10.80 acre Horseshoe Bay Resort Marina and a 3.22 acre Lake Bottom Tract part of the Horseshoe Bay Resort Yacht Club: Mayor Lambert said this item is to complete the annexation of these two tracts. Alderman Babcock made the motion to approve the annexation of this property. The motion was seconded by Alderman Bird. The motion passed unanimously (4-0).
12. Conduct a Public Hearing and Consideration of Preliminary Plats:
 - a. Replat of Escondido, Plat No. 2.1, Marina Tract and a portion of La Serena Loop of Escondido to be known as Plat No. 2.2 (La Serena Loop between La Posada and La Bonita)
 - b. Replat of Golf Course Tracts One, Two and Three, and Tracts "A" and "B" of Escondido, Plat No. 1.1 to be known as Plat No. 1.15 (La Serena Loop and Plaza Escondido)Mayor Lambert convened the public hearing at 3:25 p.m. and asked if there were any comments. There were none, and he adjourned the public hearing. Alderman Robinson stated when looking at the plat it appears the lake is surrounded by lots. The surveyor, Don Sherman explained that the boundary line is actually underwater since the lots all extend to the middle of Pecan Creek. Alderwoman Haydon made the motion to approve the preliminary plats. The motion was seconded by Alderman Babcock. The motion passed unanimously (4-0).
13. Final Plat for Skywater Over Horseshoe Bay Plat No. 4.1, 44.30 Acres Out of the A. Murchison Survey No. 85, Abstract No. 556, Llano County, Texas, with Variances for Street Right-of-Way Widths: Mayor Lambert said this item is to give final approval to this plat of

Skywater. Alderman Robinson made the motion to approve the final plat. The motion was seconded by Alderman Bird. The motion passed unanimously (4-0).

14. Public Hearing and Consideration Regarding an Amendment to the Zoning Ordinance to Exempt Public Buildings from the 50% Masonry Surface Requirement of the Governmental Utility and Institutional (GUI) Classification in any Zoning District: Mayor Lambert convened the public hearing at 3:28 p.m. and asked if there were any public comments. There were none, and he adjourned the public hearing. He said staff had some difficulty in getting this ordinance to state exactly what they wanted. A different draft was sent to Council yesterday in an attempt to clarify the fact that this is only City-owned buildings that were in this zoning classification. He stated he would like to make it clearer and that all they are talking about is a building in the maintenance area just west of City Hall. City Attorney Akers stated it should just make it applicable to that area and would state City-owned governmental buildings in the Public Works Complex located at that particular address. Alderman Bird made the motion to approve the ordinance with the agreed upon changes. The motion was seconded by Alderwoman Haydon. The motion passed unanimously (4-0).
15. Horseshoe Bay Cleanup Day - April 22, 2008: Mayor Lambert asked Alderwoman Claudia Haydon to give information on this event, and she explained that the HSB POA had sponsored this event for years. Last year was the first year the City participated, and it was probably the most successful so far. City employees, Resort employees and residents all joined together to cleanup the community. The event is scheduled for April 22nd this year. After the cleanup is complete, there is a barbeque lunch provided for volunteers at Quail Point. She asked that anyone interested in participating to contact the POA office to get their name on the list. Alderwoman Haydon thanked the Mayor for the Proclamation making April 22, 2008, Horseshoe Bay Cleanup Day.
16. Resolution Expressing Concern and Dissatisfaction with the Quality of Telecommunications, Cable Television and High Speed Internet Service in the City of Horseshoe Bay: Mayor Lambert explained this is a draft of the Resolution and asked Alderman Robinson to explain this item. He stated the Council receives many informal complaints regarding the lack of high quality telecommunications, cable television service and high speed internet service in Horseshoe Bay. He said the purpose of the Resolution is to attempt to get the attention of the providers to improve the levels of technology and quality of broadband services, with a definitive timetable. The City does not have any legal ability to force them to do that, but he feels if the City can get their attention then we can make this happen. He would propose with the assistance of residents, Tom Schmersahl, former GTE/Verizon employee and Craig Haydon, former Southwestern Bell employee, talking to some of the providers prior to the next meeting. Also, if they could attract the attention of Time Warner, who packages telephone, cable and internet in large cities, it might be of help in the endeavor. An unidentified person made the statement that Time Warner was going to acquire Northland Cable Television (the Horseshoe Bay cable television provider). There was some discussion that this would likely be positive for HSB. (Note for clarity: It was determined subsequent to the meeting, that the comment from the unidentified person was not correct.) Larry Johnson, Director of External Affairs with Verizon stated he had received copies of the agenda and resolution and he did not have anything to counter the intent as outlined by Alderman Robinson, with one side note that there might be some technical things he would

like to discuss. He said he would be the contact person from Verizon and would like to work with the City on this. The technical item Mr. Johnson talked about is he has met with the City of Llano, the Llano School Board, the hospital district, and the Llano Economic Development Council and he feels they are working through their issues, which he believes were not knowing where to contact Verizon and who to contact in order to get the services they need. He believes they are on the right track now. Alderman Robinson said his understanding of the law passed in 1995 was it was not just a matter of cities, schools and hospitals seeking the provider out, but that there was going to be an proactive push by the telephone companies to go to schools, hospitals and libraries beginning in 1995 in an attempt to get these things done. Mr. Johnson said he questions the "lack of quality" statement since all the Verizon records he has checked do not show a problem with quality and if this is sent to PUC he would like to know what this statement is based on. Also, in regard to the statement concerning high speed internet not being available, he said it is available; however due to the high cost the majority of the users are businesses and a few individuals. He added they are providing high speed internet, but not providing "residential" high speed internet service and asked that they insert that wording in the resolution. Alderman Robinson said the Council had no intention of voting on this resolution today, but he would like to get together with the providers and improve the resolution.

17. Update on City Manager Search: Mayor Lambert reported that Aldermen Bird and Robinson and he met with the consultant by telephone on February 27th and picked the finalists. All the members of the Council will receive a book containing all the information on the finalists. The Council will then interview the finalists in executive session on March 26th starting at 8:00 a.m. After that meeting they will decide how to proceed. He feels a job offer will be made in early April and the new City Manager should be able to start by late April or early May.
18. Adjournment: Alderwoman Haydon made a motion to adjourn at 3:53 p.m. The motion was seconded by Alderman Babcock. The motion passed unanimously (4-0).

APPROVED this 15th day of April, 2008.

/S/

Robert W. Lambert, Mayor

ATTEST:

/S/

Teresa L. Moore, City Secretary